

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUBMITTING TO REFERENDUM A PROPOSED AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT ELECTIONS FOR THE OFFICE OF PROPERTY APPRAISER SHALL BE NONPARTISAN; PROVIDING FOR MANNER OF ELECTION OF NONPARTISAN OFFICES; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Charter of Palm Beach County on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Charter of Palm Beach County provides that the Board of County Commissioners may propose a charter amendment by ordinance subject to voter approval; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to propose a charter amendment that would require elections for the office of Property Appraiser to be nonpartisan; and

WHEREAS, passage of this Ordinance will allow the residents of Palm Beach County to vote on the proposed charter amendment at the general election November 5, 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Article IV of the Palm Beach County Charter shall be amended by adding the following language to Section 4.1, Elected Constitutional Officers:

Section 4.1. Elected Constitutional Officers

1 The elected constitutional offices of Sheriff, Property Appraiser, Tax
2 Collector, Clerk of the Circuit Court, and Supervisor of Elections
3 shall remain as presently constituted.

4 Section 4.1.a.

5 Notwithstanding Section 4.1., elections for the office of Property
6 Appraiser shall be nonpartisan.

7 Section 4.1.b.

8 No nonpartisan candidate shall be required to pay any party
9 assessment or be required to state the party of which the candidate is
10 a member. All candidates' names shall be placed on the ballot
11 without reference to political party affiliation.

12 Section 4.1.c.

13 In the event more than two candidates for nonpartisan election have
14 qualified for any single office, an election shall be held at the time of
15 the first primary election and, providing no candidate receives a
16 majority of the votes cast, the two candidates receiving the most votes
17 shall be placed on the ballot for the general election.

18 **SECTION 2. REFERENDUM AND BALLOT LANGUAGE**

19 On November 5, 2002, a general election is to be held, and in accordance with the
20 requirements of the Constitution and Laws of Florida, the following question shall be placed on the
21 ballot by the Supervisor of Elections:

22 **REQUIRING NONPARTISAN ELECTIONS FOR PROPERTY**
23 **APPRAISER AND MANNER OF ELECTING SUCH OFFICER**

24 Shall the Charter of Palm Beach County be amended to require
25 nonpartisan elections for Property Appraiser, and to require a primary
26 election when more than two such candidates qualify for election and
27 a runoff election when no candidate receives a majority of the votes
28 in the primary election?
29

30 YES _____

31 NO _____

32 **SECTION 3. FORM OF NOTICE**

33 The form of notice of the election by which this Charter shall be submitted to a referendum
34 shall contain the complete text of Sections 1 and 2 of this Ordinance.

SECTION 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS

Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least four (4) members of the Board of County Commissioners of Palm Beach County.

SECTION 5. SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 6. INCLUSION IN THE CHARTER

In the event this proposed amendment is approved by referendum, Section 1 of this Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County, Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or relettered to accomplish such, and the word "amendment" may be changed to "section," "article," or any other appropriate word.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become law on January 1, 2003, if approved by a majority of those electors voting on the matter.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 23 day of July, 2002.

DOROTHY H. WILKEN, CLERK

PALMBEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Linda C. Hildebrand
Deputy Clerk

By: James J. Brown
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Laura Beebe
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 31 day of July, 2002.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on July 23, 2002
DATED at West Palm Beach, FL on 7/16/02
DOROTHY H. WILKEN, Clerk
By: Laura Beebe D.C.